

point out and distinctly define the subject matter which applicant regards as the invention. It is respectfully submitted that no new matter has been added by these amendments.

In the Office Action, the Examiner rejected claims 1-3, 5-7, 14-18, 20-22 and 29-30 under 35 USC 103(a) as being unpatentable over the combination of U.S. Patent No. 5,717,923 to Dedrick, U.S. Patent No. 6,029,150 to Kravitz and U.S. Patent No. 6,073,112 to Geerlings.

U.S. Patent No. 5,717,923 to Dedrick describes a system for targeting advertisements to users of a computer network, for example the Internet. The system makes use of a personal profile database which contains electronic information about users of the system. The system includes a client activity monitor which monitors user reactions to electronic content as it is presented to each user. The activity monitor takes note of which content is consumed or provokes action and which content is ignored. The personal profile database is updated based on the information collected by the activity monitor. Customers must have subscribed to the Dedrick system and have provided demographic data before being permitted to use the service. The customer is requested to enter data such as a user name, demographic information such as age, sex, income and marital status and psychographic information such as likes and dislikes, color preferences and personality traits.

The purpose of the Dedrick system is to enable the monitoring of actions taken by an individual user in consuming electronic information and customizing subsequent electronic information for that individual user based on these previous actions.

In the Dedrick system, data representing the interaction between a customer and a merchant is not automatically transmitted to the merchant. The data representing the transaction is instead stored in personal profile database. Data is later transmitted to the merchant using statistic compilation processes which presumably is in a batch form.

U.S. Patent No. 6,029,150 to Kravitz describes a method for making electronic payments for goods purchased online through an agent. Customers have an account with the agent. When a customer wishes to purchase an item from a merchant, the customer obtains an authenticated quote from the appropriate merchant including goods, list and price. The customer then sends a request to the agent for payment of the quoted price to the particular merchant, along with the customer's unique account identifier. The agent

processes the request and sends a payment advice message to the customer who forwards a portion of this to the merchant. Upon receiving the payment advice message, the merchant sends the goods to the customer.

Kravitz describes a system and method for payment and transactions in an electronic payment system. The purpose of the Kravitz system is to provide a secure payment system which also provides privacy. For this reason, the invention requires transactional anonymity with an audit trail.

U.S. Patent No. 6,073,112 to Geerlings describes a system which assists merchants in reaching customers by providing information about when to contact each customer and what information to try and pass on to the customer. The system monitors shopping behavior and continuously refines customer segmentation accordingly. The Geerlings system contains two databases, one containing demographic and shopping activity information about recipients of communications, and the second database containing information about desired communication times and content. The Geerlings specification describes the capability to report on communications attempted and to present customer/recipient groupings.

Applicant has amended Claim 1 to recite that, *inter alia*, that the computer implemented method for compiling a demographic data based on commercial transactions between customers and merchants includes the steps of:

- transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant;

- transmitting the customer identifier and a merchant identifier from the merchant to a financial institution;

- transmitting the customer identifier and the merchant identifier from the financial institution to an interaction database of interaction data representing interactions between customers and merchants, the interaction database comprising interaction data of interactions involving different merchants;

Similarly, claim 16 has been amended to recite, among other things, that the system for compiling demographic data based on commercial transactions between customers and merchants includes the following:

a data transfer device configured to transmit a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant;

a data transfer device configured to transmit the customer identifier and a merchant identifier from the merchant to a financial institution;

a data transfer device configured to transmit the customer identifier and the merchant identifier from the financial institution to an interaction database of interaction data representing interactions between customers and merchants, the interaction database comprising interaction data of interactions involving different merchants.

The present invention as claimed involves a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database.

The Dedrick specification does not teach or suggest transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant, transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting the customer identifier and the merchant identifier from the financial institution to an interaction database. In Dedrick, the customer must be known to the merchant, wherein the present invention does not require this.

Similarly, the Kravitz system does not operate by transferring a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant. A stated advantage of the Kravitz system is that the anonymity of the customer is preserved as regards the merchant. The Kravitz system does not teach or suggest the transferal of a customer identifier from the customer to the merchant and in fact this feature would not be in accord with the stated objects of the Kravitz system. In Kravitz, the merchant is unable to associate the origin of any particular transaction with prior transactions from the same customer because the merchant is not provided with information which would enable such an association to be made.

Lastly, in Geerlings the merchant must compile information and store this information in a merchant marketing database rather than transmit data automatically captured through a commercial transaction to a third party interaction database.

Disadvantages with these prior art systems include the fact that each merchant must collect data itself which is a difficult and time-consuming and expensive process, especially for small merchants. Furthermore, there is often reluctance for a customer to provide a merchant with demographic data and other information which is perceived to be useful to a merchant for marketing purposes. However, customers are often willing to provide demographic information to some organizations, for example financial institutions, Internet service providers and telecommunication service providers.

In the present invention the customer does not knowingly provide information useful to a merchant for marketing purposes. The customer identifier together with the merchant identifier is transmitted from the merchant to a financial institution and then from the financial institution the customer identifier and the merchant identifier are transmitted to an interaction database. This interaction database could be maintained by a party other than customer and merchant or the financial institution.

Prior art methods and systems have the disadvantage that a merchant needs a list of customers before the merchant can prepare a report. In the prior art systems and methods cited by the examiner, the merchant must collect and store demographic and/or interaction data from an existing customer base. An improvement provided by the present invention is the ability to provide reports to small merchants who do not have a large customer list.

A further disadvantage of the prior art methods and systems cited by the examiner is that a merchant does not necessarily know the identity of a particular customer purchasing goods or services from that merchant. The merchant needs to maintain a sophisticated customer database in order to match customer interactions or activity with the identities of the customers. In the present invention the merchants for whom reports are generated do not need to know the customer identities. The interaction database and the demographic database are structured and contain suitable data so that a merchant can generate a report based solely on this interaction data and demographics data.

Neither Dedrick, Kravitz or Geerlings, either alone or in combination, teach, disclose or suggest such a method or system. Accordingly, Claims 1 and 16 and each of the claims depending therefrom, namely claims 2, 3, 5-7, 9, 11, 13-15, 17, 18, 20-22, 24, 26, and 28-42 distinguish the subject invention from Dedrick, Kravitz and Geerlings. Further, Claims 1 and 16 are not rendered obvious by the combination of Dedrick, Kravitz and Geerlings. Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

In the Office Action, the Examiner rejected claims 31, 32, 37 and 38 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 7 and 22 above, and further in view of Sirbu et al. (U.S. Patent No. 5,809,144). Applicant asserts that Sirbu et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Sirbu et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 31, 32, 37 and 38 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Sirbu et al. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In the Office Action, the Examiner rejected claims 9, 24, 33, 34, 39 and 40 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to the claims above, and further in view of Kawecki et al. (U.S. Patent No. 5,963,625). Applicant asserts that Kawecki et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Kawecki et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 9, 24, 33, 34, 39 and 40 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick,

Kravitz, Geerlings and Kawecky et al. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In the Office Action, the Examiner rejected claims 11 and 26 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 1 and 16 above, and further in view of Hanson et al. (U.S. Patent No. 5,974,398).

Applicant asserts that Hanson et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Hanson et al. does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 11 and 26 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Hanson et al. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In the Office Action, the Examiner rejected claims 35, 36, 41, 42 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz, Geerlings and Hanson as applied to claims 11 and 26 above, and further in view of Silverman (U.S. Patent No. 6,252,869). Applicant asserts that Silverman does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Silverman does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 35, 36, 41, 42 by virtue of there dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings, Hanson et al and Silverman. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In the Office Action, the Examiner rejected claims 13 and 28 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 1 and 16 above, and further in view of Carles (U.S. Patent No. 5,661,516). Applicant

asserts that Carles does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Carles does not teach, suggest or disclose a system and method for transferring a customer identifier from a customer to a merchant and then transmitting that customer identifier together with a merchant identifier from the merchant to a financial institution, and then transmitting the customer identifier in the merchant identifier from the financial institution to an interaction database. Therefore, claims 13 and 28 by virtue of their dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Carles. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

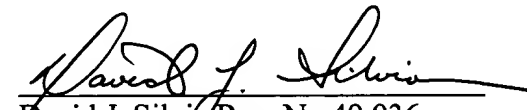
Based on the above arguments, it is respectfully submitted that all of the claims pending in this application, namely claims 1-3, 5-7, 9, 11, 13-18, 20-22, 24, 26, 28-42, are directed to patentable subject matter, and allowance thereof is earnestly solicited.

Applicant's representative has reviewed the references cited by the Examiner but not relied upon in the rejection of specific claims. It is respectfully submitted that these references do not disclose or suggest, either alone or in combination, in whole or in part, the claimed invention.

If after reviewing this amendment, the Examiner believes that a telephone or personal interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth hereinbelow.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Please replace claims 1, 16, 28, 29, 30 with the following amended claims:

1. (Amended) A computer implemented method for compiling demographic data based on commercial transactions ~~interactions~~ between customers and merchants comprising the steps of:

transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant;

transmitting the customer identifier and a merchant identifier from the merchant to a financial institution;

transmitting the customer identifier and the merchant identifier from the financial institution to

storing in an interaction database of interaction data representing interactions between customers and merchants, the interaction database comprising interaction data of interactions involving different merchants;

storing in a demographics database demographic data representing existing and/or prospective customers of two or more merchants;

updating the interaction database with interaction data obtained from interactions between customers and merchants;

retrieving from the interaction and demographics databases data representing existing and/or prospective customers of one or more merchants; and

generating a report based on the data retrieved from the interaction and demographics databases.

16. (Amended) A system for compiling demographic data based on commercial transactions between customers and merchants, the system comprising:

a memory in which is maintained a data transfer device configured to transmit a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant;

a data transfer device configured to transmit the customer identifier and a merchant identifier from the merchant to a financial institution;

a data transfer device configured to transmit the customer identifier and the merchant identifier from the financial institution to an interaction database of interaction data representing interactions between customers and merchants, the interaction database comprising interaction data of interactions involving different merchants;

~~a memory in which is maintained a demographics database maintained in computer memory~~ of demographics data representing existing and/or prospective customers of two or more merchants;

updating means arranged to update the interaction database with interaction data obtained from interactions between customers and merchants;

a retrieval device configured ~~retrieving means arranged to~~ retrieve from the interaction and demographics databases data representing existing and/or prospective customers of one or more merchants; and

a report generator ~~means arranged configured~~ to generate a report based on the data retrieved from the interaction and demographics databases.

28. (Amended) A system as claimed in claim 16 wherein the report generator is configured ~~ing means is arranged~~ to generate a report based on census data in addition to data retrieved from the interaction and demographics databases.

29. (Amended) A system as claimed in claim 16 wherein the report generator is configured ~~ing means is arranged~~ to generate a report based on data including demographic data representing the customers of a merchant.

30. (Amended) A system as claimed in claim 16 wherein the report generator is configured ~~ing means is arranged~~ to generate a report based on data including demographic data representing the customers of two or more merchants.